

EXPRESS MAIL CERTIFICATE

Date 9/23/00 Label No. EL003316715US

I hereby certify that, on the date indicated above I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner of Patents & Trademarks, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Mark Kyle Mark Kyle  
Name (Print) Signature

FILE NO.: 135555-0262

**DECLARATION  
AND POWER OF ATTORNEY  
Continuing Application**

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below, of the invention entitled:

**CORDLESS SURGICAL HANDPIECE WITH DISPOSABLE BATTERY; AND METHOD**

which is described and claimed in:

the attached specification

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 CFR §1.56(a), and that no application for patent or inventor's certificate on this invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as identified below. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

**FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS  
PRIOR TO THE FILING DATE OF THIS APPLICATION**

None.

**ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS  
PRIOR TO THE FILING DATE OF THIS APPLICATION**

None.

**CLAIM FOR BENEFIT OF PRIOR U.S. APPLICATION**  
**UNDER 35 U.S.C. 120:**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Co-pending application Serial No. 09/343,643 filed July 8, 1999, which in turn claimed the benefit of Provisional Application Serial No. 60/112,678 filed December 12, 1998.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and *all corresponding foreign applications* and transact all business in the Patent and Trademark office connected therewith: Gene W. Arant (Reg. No. 17,936) and Larry D. Baker (Reg. No. 39,593), of counsel, of the Law Offices of Gene W. Arant, located at 674 County Square Drive, Suite 205, Ventura, California, 93003-5452.

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**FULL NAME OF INVENTOR 1:**

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**FULL NAME OF INVENTOR 2:**

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**FULL NAME OF INVENTOR 3:**

LAST NAME: Olson FIRST NAME: M. MIDDLE NAME: Terry.  
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1: Aug 12 2000 DATED: 9/20/00

SIGNATURE OF INVENTOR 2: Frank M. Ordaz DATED: 9/19/00

SIGNATURE OF INVENTOR 3: M. Jerry Olson DATED: 9-19-00